

AMENDED IN SENATE FEBRUARY 11, 2014

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 146**

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**Introduced by Assembly Member ~~Gorell Olsen~~**

January 18, 2013

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An act to ~~add Section 7073.7 to the Government Code, relating to economic development; amend Section 14631 of the Government Code, relating to the State Capitol, and declaring the urgency thereof, to take effect immediately.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 146, as amended, ~~Gorell Olsen. Economic development; enterprise zones; joint application. State Capitol: location of California American Portuguese Veterans Memorial.~~

*Existing law prescribes various duties for the Department of General Services in connection with the development and maintenance of the park around the State Capitol Building. Existing law authorizes the American Portuguese Club Incorporated, in consultation with the department and a specifically created committee, to construct and maintain a memorial in the existing All Veterans Memorial to honor California American Portuguese veterans, as specified.*

*This bill would modify provisions relating to the site of the memorial, requiring it to be located within the Veterans Memorial Grove, a specified area adjacent to the All Veterans Memorial.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~The Enterprise Zone Act authorizes the designation of certain depressed areas in this state as enterprise zones for purposes of providing specific economic incentives within those areas, upon application by a city, county, or city and county.~~

~~This bill, notwithstanding any other provision of the act, would authorize the City of Oxnard, the City of Port Hueneme, and the Oxnard Harbor District to jointly apply for designation as an enterprise zone, as specified.~~

~~This bill would make legislative findings and declarations as to the necessity of a special statute for the cities of Oxnard and Port Hueneme and the Oxnard Harbor District.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 14631 of the Government Code is  
2     amended to read:

3     14631. (a) (1) The American Portuguese Club Incorporated,  
4     or any successor entity, ~~may~~, in consultation with the department,  
5     may plan and construct a memorial ~~in the existing All Veterans~~  
6     Memorial to honor California American Portuguese veterans, as  
7     provided in this section.

8     (2) The memorial shall be located within the Veterans Memorial  
9     Grove, as identified in Section 16 of Sheet 5, Capitol Park  
10    Topographic Survey by Morrow Surveying Land Surveyors, dated  
11    November 11, 2011, adjacent to the All Veterans Memorial. For  
12    purposes of this section, "All Veterans Memorial" means that area  
13    in Section 16 from the foot of the berm retaining wall due north  
14    to the asphaltic concrete pathways. "Veterans Memorial Grove"  
15    means that undeveloped area in Section 16 from the foot of the  
16    berm retaining wall due south to the N Street sidewalk.

17    (b) The California American Portuguese Veterans Memorial  
18    Committee is hereby established and shall include as members all  
19    of the following:

20    (1) The director, or his or her designee.

21    (2) The State Historic Preservation Officer, or his or her  
22    designee.

23    (3) A Member of the Assembly appointed by the Speaker of the  
24    Assembly.

1 (4) A Member of the Senate appointed by the Senate Committee  
2 on Rules.

3 (c) The department, in consultation with the American  
4 Portuguese Club Incorporated, shall do all of the following:

5 (1) Review the preliminary design plans to identify potential  
6 maintenance concerns.

7 (2) Ensure compliance with the federal Americans with  
8 Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and with  
9 any other safety concerns.

10 (3) Review and approve California Environmental Quality Act  
11 (Division 13 (commencing with Section 21000) of the Public  
12 Resources Code) documents prepared for work at the designated  
13 historic property.

14 (4) Review final construction documents to ensure that all  
15 requirements are met.

16 (5) Prepare the right-of-entry permit outlining the final area of  
17 work, final construction documents, construction plans, the  
18 contractor hired to perform the work, insurance, bonding,  
19 provisions for damage to state property, and inspection  
20 requirements.

21 (6) Prepare a maintenance agreement outlining the American  
22 Portuguese Club Incorporated's responsibility for the long-term  
23 maintenance of the memorial due to aging, vandalism, or  
24 relocation.

25 (7) Inspect the construction performed by the contractor selected  
26 by the California American Portuguese Veterans Memorial  
27 Committee.

28 (d) If the American Portuguese Club Incorporated undertakes  
29 responsibility to construct a memorial under this section, it shall,  
30 in consultation with the department, establish a schedule for the  
31 design, construction, and dedication of the memorial, ~~implement~~  
32 ~~procedures to solicit designs for the memorial and devise a~~  
33 ~~selection process for the choice of the design,~~ and establish a  
34 program for the dedication of the memorial.

35 (e) The department, the Department of Veterans Affairs, and  
36 the California American Portuguese Veterans Memorial Committee  
37 shall approve the design of the memorial.

38 (f) If the American Portuguese Club Incorporated undertakes  
39 responsibility to construct a memorial under this section, it shall  
40 not begin construction of the memorial until ~~the master plan of the~~

1 ~~State Capitol Park is approved and adopted by the Joint Committee~~  
2 ~~on Rules, and the Joint Committee on Rules and the Department~~  
3 ~~of Finance have determined that sufficient private funding is~~  
4 ~~available to construct and maintain the memorial.~~

5 (g) The planning, construction, and maintenance of the memorial  
6 shall be funded exclusively through private donations to the  
7 American Portuguese Club Incorporated.

8 (h) If the American Portuguese Club Incorporated undertakes  
9 responsibility to construct a memorial under this section, it shall  
10 sign a maintenance agreement with the state, as created under  
11 paragraph (6) of subdivision (d), to maintain the memorial with  
12 private contributions.

13 (i) As adopted by the Joint Committee on Rules, this memorial  
14 shall be constructed within the ~~existing boundary of the All~~  
15 ~~Veterans Memorial.~~ *boundaries of the Veterans Memorial Grove,*  
16 *as described in paragraph (2) of subdivision (a).*

17 *SEC. 2. This act is an urgency statute necessary for the*  
18 *immediate preservation of the public peace, health, or safety within*  
19 *the meaning of Article IV of the Constitution and shall go into*  
20 *immediate effect. The facts constituting the necessity are:*

21 *In order to facilitate completion of the California American*  
22 *Portuguese Veterans Memorial at the earliest possible time prior*  
23 *to the celebration of Portuguese Heritage Month in June 2014, it*  
24 *is necessary for this act to take immediate effect.*

25 ~~SECTION 1. The Legislature finds and declares that the~~  
26 ~~partnerships established between the City of Oxnard, the City of~~  
27 ~~Port Hueneme, and the Oxnard Harbor District reflect the local~~  
28 ~~community's shared goal of alleviating their higher-than-average~~  
29 ~~unemployment and poverty, and the establishment of an enterprise~~  
30 ~~zone will create new opportunities for local workers and jump-start~~  
31 ~~economic growth by promoting new business and jobs. The~~  
32 ~~Legislature further finds and declares that with an enterprise zone~~  
33 ~~designation, the partnership between these entities will allow~~  
34 ~~greater resources and marketing potential to drive local economic~~  
35 ~~activity.~~

36 ~~SEC. 2. Section 7073.7 is added to the Government Code, to~~  
37 ~~read:~~

38 ~~7073.7. (a) Notwithstanding any other provision of this chapter,~~  
39 ~~the City of Oxnard, the City of Port Hueneme, and the Oxnard~~

1 Harbor District may jointly submit an application to the department  
2 for designation as an enterprise zone.

3 (b) ~~Unless otherwise agreed to by the applicants and the~~  
4 ~~department, the Oxnard City Council shall serve as the governing~~  
5 ~~body for the enterprise zone designated pursuant to this section.~~

6 SEC. 3. ~~The Legislature finds and declares that a special law~~  
7 ~~is necessary and that a general law cannot be made applicable~~  
8 ~~within the meaning of Section 16 of Article IV of the California~~  
9 ~~Constitution because of the unique collaborative economic~~  
10 ~~relationship between the City of Oxnard, the City of Port Hueneme~~  
11 ~~and the Oxnard Harbor District.~~